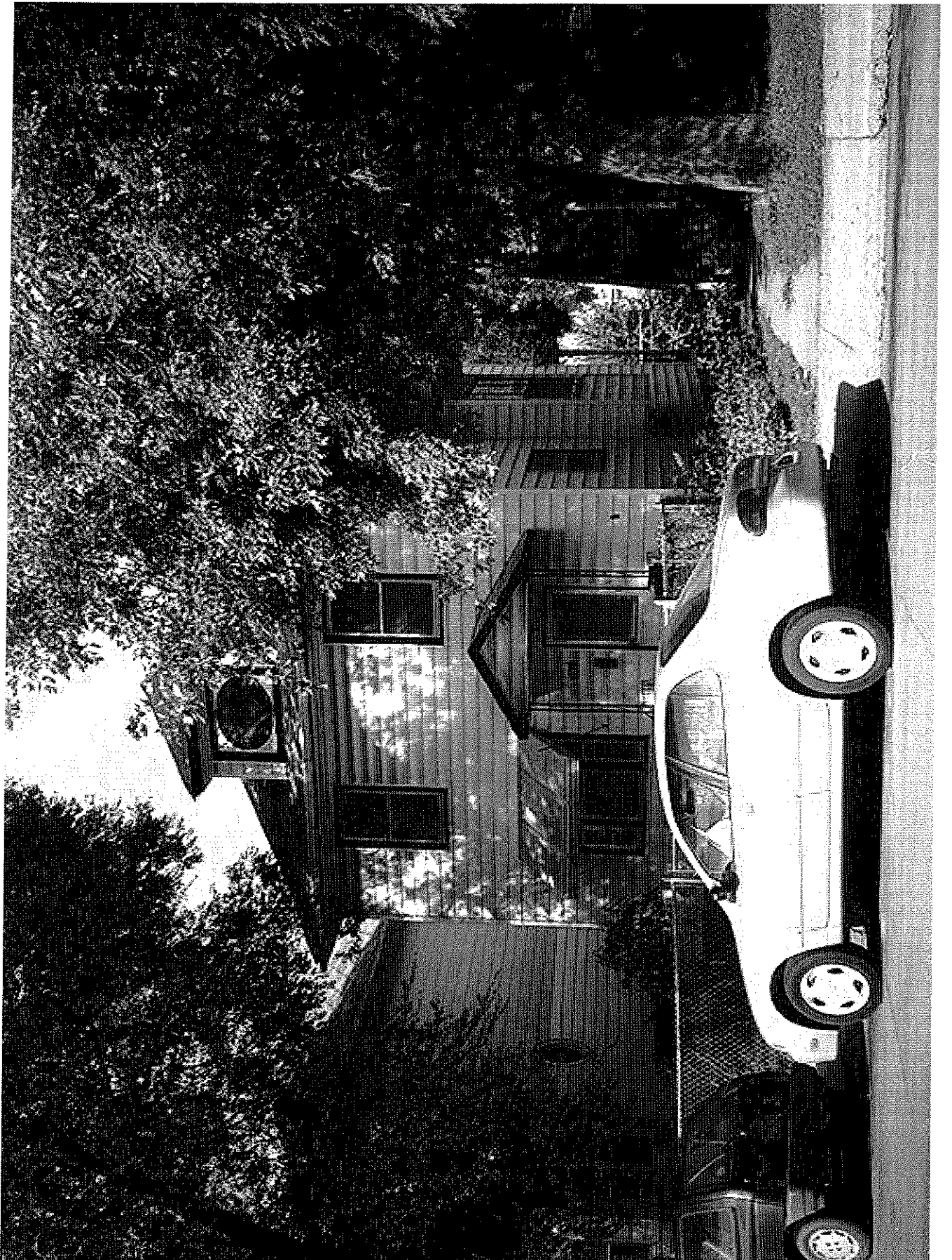


## Council Communication

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                             |                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Department:</b><br>Community Development<br><br><b>Offer To Buy City Property</b><br><br><b>Applicant:</b> Debra L. Danielsen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Resolution of Intent No.</b> <u>09-129</u><br><br><b>Resolution to Dispose No.</b> _____ | <b>Set Public Hearing:</b> 05/11/09<br><br><b>Public Hearing:</b> 05/26/09 |
| <b>Subject/Title</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                             |                                                                            |
| Request of Debra L. Danielsen, 332 Willow Avenue, Council Bluffs, IA 51503 to purchase 122 Bluff Street (Legal Description: The South 1/2 of Lot 5 and the North 10 feet of Lot 6, Block 2, Jackson's Addition and part of vacated Bluff Street adjacent).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                             |                                                                            |
| <b>Background/Discussion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                             |                                                                            |
| <p>Debra Danielsen has submitted an Offer to Buy the City owned property at 122 Bluff Street as legally described above. The City was given title to the property in March, 2009 after it was abandoned by the previous owner. The property measures 35 feet wide by 107 feet deep, is zoned R-2/Two Family Residential and is assessed at \$7,956.00 (land only) by the Pottawattamie County Assessor. The parcel is technically buildable, but the lot by itself is not marketable.</p> <p>Ms. Danielsen wants to purchase the property for the assessed value and use the vacant ground to extend her back yard. Her terms for purchase, as stated in the Offer to Buy, are as follows: "City Building (Division) to remove dwelling, fence, driveways and sidewalks on the property and backfill and grade with surrounding property. Warranty Deed or Court Deed shall be provided to Debra L. Danielsen. Buyer's payment shall not exceed \$7,965. All back taxes, liens and other items shall be cleared from title."</p> <p>The Council Bluffs Water Works has commented that the water service must be disconnected before the house is demolished. No other comments have been received.</p> |                                                                                             |                                                                            |
| <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                             |                                                                            |
| The Community Development Department recommends disposal of 122 Bluff to Debra Danielsen for the sum of \$7,965 under the buyer's terms as outlined in the Offer to Buy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                                                                            |
| <b>Attachment:</b> Picture and location map.<br><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                             |                                                                            |



# OFFER TO BUY 122 BLUFF - DANIELSEN



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE SOUTH 1/2 OF LOT 5 AND THE NORTH 10 FEET OF LOT 6, BLOCK 2, JACKSON'S ADDITION AND PART OF VACATED BLUFF STREET ADJACENT.

WHEREAS, this City Council previously expressed its intent to dispose of 122 Bluff Street, legally described as the South 1/2 of Lot 5 and the North 10 feet of Lot 6, Block 2, Jackson's Addition and part of vacated Bluff Street adjacent; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Debra L. Danielsen and all successors in interest: The South 1/2 of Lot 5 and the North 10 feet of Lot 6, Block 2, Jackson's Addition and part of vacated Bluff Street adjacent; for the sum of \$7,956.00 (Seven Thousand Nine Hundred Fifty Six and no/100 dollars).

ADOPTED  
AND  
APPROVED: \_\_\_\_\_, 2009

\_\_\_\_\_  
Thomas P. Hanafan Mayor

ATTEST: \_\_\_\_\_  
Marcia L. Worden, Acting City Clerk

## Council Communication

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------|
| <b>Department:</b> Parks, Recreation and Public Property<br><br><b>Case/Project No.</b><br><br><b>Applicant:</b> Larry N. Foster                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Ordinance No.</b> _____<br><br><b>Resolution No.</b> <u>09-130</u> | <b>Date:</b> _____ |
| <b>Subject/Title</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                       |                    |
| Council consideration of a resolution setting Public Hearing on the plans, specifications, and form of contract for the Bass Pro Roof Replacement Project for May 26, 2009, at 7:00 p.m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                       |                    |
| <b>Background/Discussion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                       |                    |
| <p>Bass Pro Shop sustained total roof damage from the storm that occurred in Council Bluffs on June 27, 2008.</p> <p>In response to the storm, Chubb Insurance, FEMA and representatives from the City inspected the roof and determined that there is substantial damage. FEMA included the Bass Pro Shop roof replacement as a line item on the FEMA Project Worksheet for the Bass Pro Shop. The estimated loss is \$328,475.00. The City has received \$328,475.00 from Chubb Insurance. Any additional costs, above the estimated loss, will be shared by Chubb Insurance and FEMA.</p> <p>The work for replacement of the Bass Pro Shop roof includes removal of existing shingles, installation of new membrane leak-barrier, composition and metal shingle roof replacement, repairs to existing TPO membrane roof, associated sheet metal repair and replacement and removing and reinstalling roof-top mounted signage to facilitate re-roofing. Materials include leak-barrier membrane, composition shingles, metal shingles, and thermal plastic polyolefin membrane. Bahr Vermeer &amp; Haecker are the engineers for the project.</p> |                                                                       |                    |
| <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                       |                    |
| I recommend that the City Council adopt the resolution to set Public Hearing for May 26, 2009, at 7:00 p.m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                       |                    |

\_\_\_\_\_  
Larry Foster

\_\_\_\_\_  
Thomas P. Hanafan

RESOLUTION NO. 09-130

RESOLUTION ORDERING THE CITY CLERK TO PUBLISH NOTICE AND SETTING A PUBLIC HEARING ON THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE BASS PRO SHOP ROOF REPLACEMENT PROJECT.

WHEREAS, the city of Council Bluffs desires to repair the roof on the Bass Pro Shop due to the damage it incurred during the June 27, 2008 storm; and

WHEREAS, FEMA and Chubb Insurance have inspected the roof, verified the need for substantial repairs; and

WHEREAS, Chubb Insurance has paid the City \$328,475.00, which equals the replacement cost and has agreed along with FEMA to split any additional costs associated with this project; and

WHEREAS, the plans, specifications and form of contract as prepared by Bahr Vermeer & Haecker, engineers for the project, are on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED  
BY THE  
CITY COUNCIL OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set Public Hearing on May 26, 2009 for the Bass Pro Shop Roof Replacement Project.

ADOPTED  
AND  
APPROVED \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

Attest:

\_\_\_\_\_  
Marcia L. Worden, Acting City Clerk

## Council Communication

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department and Applicant:<br>Community Development<br>Case No. ZT-09-002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ordinance No. <u>6030</u> | City Council Meeting: 3-23-09<br>Planning Commission Meeting: 3-10-09<br>First Reading <u>3-23-09</u><br>Second Reading <u>4-13-09</u><br>Third Reading |
| <b>Subject/Title</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                                                                                                                         |
| Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows: <ol style="list-style-type: none"><li>1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.</li><li>2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed.</li><li>3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.</li></ol>                                                                                                                                                                                                                                          |                           |                                                                                                                                                         |
| <b>Background/Discussion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                           |                                                                                                                                                         |
| Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u> . Text to be removed is <del>struck through</del> . |                           |                                                                                                                                                         |
| <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                                                                         |
| The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows: <ol style="list-style-type: none"><li>1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.</li><li>2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02.</li><li>3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.</li></ol>                                                                                                                                                                                                                                               |                           |                                                                                                                                                         |
| <b>Public Hearing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                                                                         |
| Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                           |                                                                                                                                                         |
| <b>Planning Commission Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |                                                                                                                                                         |
| The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'.<br>VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 6 Motion: Carried.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |                                                                                                                                                         |
| Attachments: Attachment 'A'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                                                                                                                                                         |
| Prepared by: Gayle M. Malmquist, Development Services Coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |                                                                                                                                                         |

ORDINANCE NO. 6030

AN ORDINANCE to amend Chapter 15.03 "Definitions" of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 15.03.685 "Wind energy conversion system (WECS)".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.03 "Definitions" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 15.03.685, entitled "Wind energy conversion system (WECS)", to read as follows:

"15.03.685 Wind energy conversion system (WECS). Any device such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel."

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2009  
APPROVED



\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration: March 23, 2009

Second Consideration: April 13, 2009

Public Hearing: \_\_\_\_\_

Third Consideration: \_\_\_\_\_

Planning Case ZT-09-002

Chapter 15.03  
DEFINITIONS

|           |                                            |
|-----------|--------------------------------------------|
| 15.03.593 | Rubble dump                                |
| 15.03.594 | Salvage operation                          |
| 15.03.595 | School                                     |
| 15.03.597 | Semi-truck trailer                         |
| 15.03.598 | Sexual or genital body parts               |
| 15.03.600 | Sign                                       |
| 15.03.605 | Specified anatomical areas                 |
| 15.03.606 | Specified sexual activities                |
| 15.03.608 | Stoop, enclosed                            |
| 15.03.609 | Storage yard                               |
| 15.03.610 | Story                                      |
| 15.03.620 | Street                                     |
| 15.03.630 | Structure                                  |
| 15.03.640 | Structural alteration                      |
| 15.03.643 | Tattooing                                  |
| 15.03.644 | Tattoo parlor                              |
| 15.03.645 | Tavern                                     |
| 15.03.646 | Tool or storage shed                       |
| 15.03.647 | Transfer of interest                       |
| 15.03.650 | Travel trailers                            |
| 15.03.651 | Truck service establishment                |
| 15.03.652 | Truck terminal                             |
| 15.03.660 | Use                                        |
| 15.03.670 | Variance                                   |
| 15.03.675 | Vehicle or vessel                          |
| 15.03.677 | Veterinary service                         |
| 15.03.681 | Warehousing and distribution, general      |
| 15.03.682 | Warehousing and distribution, limited      |
| 15.03.685 | Wind energy conversion system (WECS) (NEW) |
| 15.03.690 | Yard                                       |
| 15.03.700 | Yard, front                                |
| 15.03.710 | Yard, rear                                 |
| 15.03.720 | Yard, side                                 |
| 15.03.730 | Yard setbacks                              |
| 15.03.740 | Lot definitions                            |

15.03.685 Wind energy conversion system (WECS). Any device such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel.

## Council Communication

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department and Applicant:<br>Community Development<br>Case No. ZT-09-002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Ordinance No. <u>6031</u> | City Council Meeting: 3-23-09<br>Planning Commission Meeting: 3-10-09<br>First Reading <u>3-23-09</u><br>Second Reading <u>4-13-09</u><br>Third Reading |
| <p style="text-align: center;"><b>Subject/Title</b></p> <p>Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows:</p> <ol style="list-style-type: none"> <li>1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.</li> <li>2. Ordinance 6031, Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed.</li> <li>3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.</li> </ol>                                                                                                                                                                                                                            |                           |                                                                                                                                                         |
| <p style="text-align: center;"><b>Background/Discussion</b></p> <p>Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u>. Text to be removed is <del>struck through</del>.</p> |                           |                                                                                                                                                         |
| <p style="text-align: center;"><b>Recommendation</b></p> <p>The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows:</p> <ol style="list-style-type: none"> <li>1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.</li> <li>2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02.</li> <li>3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.</li> </ol>                                                                                                                                                                                                                                                |                           |                                                                                                                                                         |
| <p style="text-align: center;"><b>Public Hearing</b></p> <p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                                                                                                                                                         |
| <p style="text-align: center;"><b>Planning Commission Recommendation</b></p> <p>The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'.</p> <p>VOTE: AYE 6    NAY 0    ABSTAIN 0    ABSENT 6    Motion: Carried.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                                                                         |
| Attachments: Attachment 'A'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |                                                                                                                                                         |
| Prepared by: Gayle M. Malmquist, Development Services Coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                           |                                                                                                                                                         |

ORDINANCE NO. 6031

AN ORDINANCE to amend Chapters 15.05 “A-2/Parks, Estates and Agricultural District”, 15.08A “R-1E/Single Family Residential Estates District”, 15.08B “R-1/Single Family Residential District”, 15.09 “R-2/Two Family Residential District”, 15.10 “R-3/Low Density Multi-Family Residential District”, 15.20 “I-1/Light Industrial District”, 15.21 “I-2/ General Industrial District”, and 15.22 “I-3/Heavy Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, to include Wind Energy Conversion System (WECS) as a conditional use in each chapter.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.05 “A-2/Parks, Estates and Agricultural District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.05.030 “Conditional uses” and enacting a new Section 15.05.030 “Conditional uses”, to read as follows:

**“15.05.030 Conditional uses.** The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.~~27~~ 02:

01. Agricultural sales and service
02. Commercial recreation (outdoor)
03. Day care services
04. Extraction activity
05. Funeral service in conjunction with a cemetery
06. Outdoor firing range
07. Private campground
08. Sanitary landfill
09. Rubble dump
10. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 2. That Chapter 15.08A “R-1E/Single Family Residential Estates District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.08A.030 “Conditional uses” and enacting a new Section 15.08A.030 “Conditional uses”, to read as follows:

**“15.08A.030 Conditional uses.** The following conditional uses shall be permitted in an R-1E district when authorized in accordance with the requirements set forth in Chapter 15.~~27~~ 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 3. That Chapter 15.08B “R-1/Single Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.08B.030 “Conditional uses” and enacting a new Section 15.08B.030 “Conditional uses”, to read as follows:

**“15.08A.030 Conditional uses.** The following conditional uses shall be permitted in an R-1 district when authorized in accordance with the requirements set forth in Chapter 15.~~27~~ 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 4. That Chapter 15.09 “R-2/Two Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.09.030 “Conditional uses” and enacting a new Section 15.09.030 “Conditional uses”, to read as follows:

**“15.09.030 Conditional uses.** The following conditional uses shall be permitted in an R-2 district in accordance with the requirements set forth in Chapter 15.~~27~~ 02:

01. Cemetery
02. Day care services
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 5. That Chapter 15.10 “R-3/Low Density Multi-Family Residential District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by

repealing Section 15.10.030 “Conditional uses” and enacting a new Section 15.10.030 “Conditional uses”, to read as follows:

**“15.10.030 Conditional uses.** The following conditional uses shall be permitted in an R-3 district, when authorized in accordance with the requirements set forth in Chapter 15.27 02:

01. Cemetery
02. Colleges and universities
03. Commercial recreation (indoor and outdoor)
04. Business, professional office when the floor area for such use shall not exceed two thousand square feet
05. Cultural service
06. Day care services
07. Government maintenance facility.
08. Juvenile detention facility
09. Small wind energy conversion system (SWECS), subject to Section 15.24.085.”

SECTION 6. That Chapter 15.20 “I-1/Light Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.20.030

“Conditional uses” and enacting a new Section 15.20.030 “Conditional uses”, to read as follows:

**“15.20.030 Conditional uses.** The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Correctional placement residences
02. Day care services
03. Detention facility
04. Equipment repair
05. Truck service establishment
06. Truck terminal
07. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 7. That Chapter 15.21 “I-2/General Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section

15.21.030 “Conditional uses” and enacting a new Section 15.21.030 “Conditional uses”, to read as follows:

**“15.21.030 Conditional uses.** The following conditional uses shall be permitted in an I-2 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Contractor yard
02. Correctional placement residences
03. Day care services
04. Detention facility
05. Grain storage and distribution
06. Rubble dump
07. Salvage operations
08. Storage yard
09. Emergency shelter and homeless service center
10. Commercial recreation (indoor)
11. Meat packing and processing
12. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 8. That Chapter 15.22 “I-3/Heavy Industrial District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.22.030

“Conditional uses” and enacting a new Section 15.22.030 “Conditional uses”, to read as follows:

**“15.22.030 Conditional uses.** The following conditional uses shall be permitted in an I-3 district in accordance with the requirements set forth in Chapter 15.27 02:

01. Rubble dump
02. Meat packing and processing
03. Wind energy conversion system (WECS), subject to Section 15.24.085.”

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are Ordinance No. 5523, Section 2, (2000); Ordinance No. 5305, Section 1, Section 2 (part) (1996); Ordinance No. 5306,

Section 1 (part) (1996); Ordinance No. 5917, Section 2 (2007); Ordinance No. 5557, Section 2 (2001); Ordinance No. 5957, Section 2 (2007); Ordinance No. 5958, Section 3 (2007) .

SECTION 10. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2009  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration March 23, 2009  
Second Consideration: April 13, 2009  
Public Hearing: April 13, 2009  
Third Consideration: April 27, 2009

Planning Case ZT-09-002



## Chapter 15.05

### A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

#### Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

**15.05.010 Statement of intent.** This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

**15.05.020 Principal uses.** The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly

(Ord. #5523, Sec. 1,10/23/00)

**15.05.030 Conditional uses.** The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27.02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services
- 04. Extraction activity
- 05. Funeral service in conjunction with a cemetery
- 06. Outdoor firing range
- 07. Private campground
- 08. Sanitary landfill
- 09. Rubble dump
- 10. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. #5523, Sec. 2,10/23/00)

**15.05.040 Accessory uses.** Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

**15.05.050 Site development regulations.**

Minimum Lot Size

Lot area: 3 acres  
Lot width: 150 feet  
Lot depth: 200 feet

| <u>Minimum Setbacks</u> | <u>Principal Structure</u>                       | <u>Accessory Structure</u>                                               |
|-------------------------|--------------------------------------------------|--------------------------------------------------------------------------|
| Front yard:             | 50 feet                                          | greater of 50 feet or existing front setback line of principal structure |
| Street side yard:       | 20 feet                                          | 20 feet                                                                  |
| Side yard:              | 10% of lot width or 10 feet whichever is greater | 10% of lot width or 10 feet whichever is greater                         |
| Rear yard:              | 20 feet                                          | 20 feet                                                                  |
| Maximum height:         | 35 feet                                          | 25 feet                                                                  |
| Lot coverage:           | 10% maximum - all structures                     |                                                                          |

**15.05.060 Additional regulations.**

01. Reserved

**15.05.070 Signs.** Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)

## Chapter 15.08A

### R-1E/SINGLE FAMILY RESIDENTIAL ESTATES DISTRICT

#### SECTIONS:

- 15.08A.010 Statement of intent
- 15.08A.020 Principal uses
- 15.08A.030 Conditional uses
- 15.08A.040 Accessory uses
- 15.08A.050 Site development regulations
- 15.08A.060 Additional regulations
- 15.08A.070 Signs

**15.08A.010. Statement of intent.** This district is intended for low density residential neighborhoods characterized by single family detached dwellings on large lots. This district is also intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services. It is also appropriate for established areas of the city where it serves to preserve existing low density neighborhoods and for newly developed areas where environmental concerns preclude smaller lots.

**15.08A.020. Principal uses.** The following principal uses shall be permitted outright in an R-1E district:

- 01. Community recreation services
- 02. Dwelling, single family detached
- 03. Family home
- 04. Local utility services
- 05. Park and recreation services
- 06. Public safety services
- 07. Religious assembly

**15.08A.030. Conditional uses.** The following conditional uses shall be permitted in an R-1E district when authorized in accordance with the requirements set forth in Chapter ~~15.24.02~~:

- 01. Cemetery
- 02. Day care services
- 03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

**15.08A.040. Accessory uses.** The following accessory uses shall be permitted in an R-1E district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. No accessory structure shall exceed the ground floor coverage of the principal structure.

**15.08A.050 Site Development Regulations.**

## Chapter 15.08B

### R-1/SINGLE FAMILY RESIDENTIAL DISTRICT

#### Sections:

- 15.08B.010 Statement of intent
- 15.08B.020 Principal use
- 15.08B.030 Conditional uses
- 15.08B.040 Accessory uses
- 15.08B.050 Site development regulations
- 15.08B.060 Additional regulations
- 15.08B.070 Signs

**15.08B.010 Statement of intent.** This district is intended for low to moderate density residential neighborhoods characterized by single family structures with supporting community facilities. This district also permits single family attached and townhouse dwellings through subdivision and overlay requirements. The R-1 district is appropriate for established and developing areas of the city.

**15.08B.020 Principal uses.** The following principal uses shall be permitted outright in an R-1 district:

01. Community recreational services
02. Dwelling, single family attached (as permitted in a cluster subdivision as outlined in Chapter 14.10 of the municipal subdivision code)
03. Dwelling, single family detached
04. Dwelling, townhouse (as permitted in a planned residential overlay in Chapter 15.28 of the municipal zoning code)
05. Family home
06. Local utility services
07. Park and recreation service
08. Public safety service
09. Religious assembly
10. School

**15.08B.030 Conditional uses.** The following conditional uses shall be permitted in an R-1 district when authorized in accordance with the requirements set forth in Chapter 15.24 02:

01. Cemetery
02. Day care service
03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

**15.08B.040 Accessory uses.** The following accessory uses shall be permitted in an R-1 district:

## Chapter 15.09

### R-2/TWO FAMILY RESIDENTIAL DISTRICT

#### Sections:

- 15.09.010 Statement of intent
- 15.09.020 Principal uses
- 15.09.030 Conditional uses
- 15.09.040 Accessory uses
- 15.09.050 Site development regulations
- 15.09.060 Additional regulations
- 15.09.070 Signs

**15.09.010 Statement of intent.** This district is intended to provide for a medium density residential neighborhood comprised of one and two family structures. This district permits single family, duplexes and townhomes. The district is also intended for established and developing areas of the community, as well as a transitional area between single family and multi-family housing developments.

**15.09.020 Principal uses.** The following principal uses shall be permitted outright in an R-2 district:

- 01. Community recreational services
- 02. Dwelling, single family attached
- 03. Dwelling, single family detached
- 04. Dwelling, townhouse (as permitted in a planned residential overlay in Chapter 15.28 of the municipal code)
- 05. Dwelling, two family
- 06. Family home
- 07. Local utility services
- 08. Park and recreation services
- 09. Public safety services
- 10. Religious assembly
- 11. School

**15.09.030 Conditional uses.** The following conditional uses shall be permitted in an R-2 district, in accordance with the requirements set forth in Chapter 15.24.02:

- 01. Cemetery
- 02. Day care services
- 03. Small wind energy conversion system (SWECS), subject to Section 15.24.085

**15.09.040 Accessory uses.** The following accessory uses shall be permitted in an R-2 district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. No accessory structure shall exceed the ground floor coverage of the principal structure.

## Chapter 15.10

### R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

#### Sections:

- 15.10.010 Statement of intent
- 15.10.020 Principal uses
- 15.10.030 Conditional uses
- 15.10.040 Accessory uses
- 15.10.050 Site development regulations
- 15.10.060 Additional regulations
- 15.10.070 Signs

**15.10.010 Statement of intent.** The R-3 district is intended and designed for lower density multi-family residential areas of the city. This district permits a variety of housing types and is intended for established and developing areas of the city.

**15.10.020 Principal uses.** The following principal uses shall be permitted in an R-3 district:

01. Boarding, lodging, rooming house, or bed and breakfast
02. Community recreation services
03. Congregate housing, life care facility or nursing home
04. Dwelling, multi-family
05. Dwelling, single family attached
06. Dwelling, single family detached
07. Dwelling, townhouse
08. Dwelling, two family
09. Family home
10. Group care home
11. Local utility services
12. Park and recreation services
13. Private parking lot
14. Public parking lot
15. Public safety services
16. Religious assembly
17. School

(Ord. 5917, Sec. 1, 2/26/07)

**15.10.030 Conditional uses.** The following conditional uses shall be permitted in an R-3 district, when authorized in accordance with the requirements set forth in Chapter 15.2702:

01. Cemetery
02. Colleges and universities
03. Commercial recreation (indoor and outdoor)
04. Business, professional office when the floor area for such use shall not exceed two thousand square feet
05. Cultural service
06. Day care services

- 07. Government maintenance facility
- 08. Juvenile detention facility
- 09. Small wind energy conversion system (SWECS), subject to Section 15.24.085

(Ord. 5917, Sec. 2, 2/26/07)

**15.10.040 Accessory uses.** The following accessory uses shall be permitted in an R-3 district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

**15.10.050 Site development regulations.**

### Minimum Lot Size

| Use                                            | Lot area                                                                                                                                                                                                         |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single family detached                         | 5,000 square feet                                                                                                                                                                                                |
| Single family attached and two family dwelling | 5,000 square feet except when a single family attached or two family dwelling is divided by a lot line coinciding with the common wall separating the two units, the minimum lot area shall be 2,500 square feet |
| Townhouse dwelling                             | 7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet                           |
| Multi-family dwelling (3 to 4 units)           | 7,500 square feet                                                                                                                                                                                                |
| (5 or more units)                              | 9,000 square feet plus an increase of 2,000 square feet per each additional unit                                                                                                                                 |

| <u>Minimum Setbacks</u> | <u>Principal Structure</u>                                             | <u>Accessory Structure</u>                                               |
|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Front Yard:             | 20 feet                                                                | greater of 20 feet or existing front setback line of principal structure |
| Street side yard:       | 15 feet                                                                | 15 feet                                                                  |
| Interior side yard:     | 5 feet with one foot indentation for every story above the first floor | 3 feet                                                                   |
| Rear yard:              | 20 feet                                                                | 3 feet                                                                   |
| Maximum Height:         | 60 feet                                                                | 18 feet                                                                  |

## Chapter 15.20

### I-1/LIGHT INDUSTRIAL DISTRICT

#### Sections:

- 15.20.010 Statement of intent
- 15.20.020 Principal uses
- 15.20.030 Conditional uses
- 15.20.040 Accessory uses
- 15.20.050 Site development regulations
- 15.20.060 Additional regulations
- 15.20.070 Signs

**15.20.010 Statement of intent.** The I-1 district is intended to provide for the development of light manufacturing and industrial areas. This district also accommodates a mixture of commercial services and light industrial uses with relatively limited external effects.

**15.20.020 Principal uses.** The following principal uses shall be permitted in an I-1 district:

- 01. Agricultural sales and service
- 02. Automobile repair, minor and major
- 03. Automobile sales and rental
- 04. Automobile service establishment
- 05. Building material, sale and storage
- 06. Business, professional office
- 07. Business service establishment
- 08. Commercial storage
- 09. Consumer service establishment
- 10. Contractor shop
- 11. Equipment sales and rental
- 12. Financial services
- 13. General government use
- 14. Governmental maintenance facility
- 15. Greenhouse, commercial
- 16. Hotel/motel
- 17. Kennel, commercial
- 18. Local utility service
- 19. Manufacturing, light
- 20. Private parking lot
- 21. Public parking lot
- 22. Public safety services
- 23. Retail shopping establishment
- 24. Tavern
- 25. Warehousing and distribution, limited

(Ord. 5557, Sec. 1, 3/26/01)



**15.20.030 Conditional uses.** The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27 02:

- 01. Correctional placement residences
- 02. Day care services
- 03. Detention facility
- 04. Equipment repair
- 05. Truck service establishment
- 06. Truck terminal
- 07. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. 5557, Sec. 2, 3/26/01)

**15.20.040 Accessory uses.** The following accessory uses shall be permitted in an I-1 district:

- 01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

**15.20.050 Site development regulations.**

**Minimum Lot Size**

Lot area: 10,000 square feet

Lot width: 75 feet

Lot depth: 100 feet

|                         |                       |
|-------------------------|-----------------------|
| <u>Minimum Setbacks</u> | <u>All Structures</u> |
|-------------------------|-----------------------|

|             |         |
|-------------|---------|
| Front yard: | 25 feet |
|-------------|---------|

|                |         |
|----------------|---------|
| Interior yard: | 10 feet |
|----------------|---------|

|                   |         |
|-------------------|---------|
| Street side yard: | 15 feet |
|-------------------|---------|

|            |         |
|------------|---------|
| Rear yard: | 10 feet |
|------------|---------|

|                 |         |
|-----------------|---------|
| Maximum height: | 50 feet |
|-----------------|---------|

|                                |             |
|--------------------------------|-------------|
| Lot coverage – all structures: | 60% maximum |
|--------------------------------|-------------|

**15.20.060 Additional regulations.**

- 01. No tavern shall be located within two hundred feet of any school or religious building, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line

**15.20.070 Signs.** Signage in this district shall comply with Chapter 15.33 "Signs".  
(Ord. #5366, Sec. 3, 2/23/98)

## Chapter 15.21

### I-2 / GENERAL INDUSTRIAL DISTRICT

#### Sections:

|           |                              |
|-----------|------------------------------|
| 15.21.010 | Statement of intent          |
| 15.21.020 | Principal uses               |
| 15.21.030 | Conditional uses             |
| 15.21.040 | Accessory uses               |
| 15.21.050 | Site development regulations |
| 15.21.060 | Additional regulations       |
| 15.21.070 | Signs                        |

**15.21.010 Statement of intent.** This district is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

**15.21.020 Principal uses.** The following principal uses shall be permitted in the I-2 district:

01. Agricultural sales and service
  02. Automobile repair, minor and major
  03. Automobile sales and rental
  04. Automobile service establishment
  05. Building material, sale and storage
  06. Business service establishment
  07. Commercial storage
  08. Contractor shop
  09. Data center
  10. Equipment repair
  11. Equipment sales and rental
  12. Governmental maintenance facility
  13. Greenhouse, commercial
  14. Local utility service
  15. Manufacturing, light and general
  16. Private parking lot
  17. Public parking lot
  18. Public safety services
  19. Railroad yard and intermodal facilities
  20. Sign manufacturing
  21. Tavern
  22. Truck service establishment
  23. Truck terminal
  24. Warehousing and distribution, limited and general
- (Ord. 5957, Sec. 1, 12/10/07)

**15.21.030 Conditional uses.** The following conditional uses shall be permitted in an I-2 district in accordance with the requirements set forth in Chapter 15.2702:

01. Contractor yard
02. Correctional placement residences
03. Day care services
04. Detention facility
05. Grain storage and distribution
06. Rubble dump
07. Salvage operations
08. Storage yard
09. Emergency shelter and homeless service center
10. Commercial recreation (indoor)
11. Meat packing and processing
12. Wind energy conversion system (WECS), subject to Section 15.24.085

(Ord. 5957, Sec. 2, 12/10/07)

**15.21.040 Accessory uses.** The following accessory uses shall be permitted in an I-2 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

**15.21.050 Site development regulations.**

**Minimum Lot Size**

Lot area: 15,000 square feet

Lot width: 75 feet

Lot depth: 150 feet

| <u>Minimum Setbacks</u> | <u>All Structures</u> |
|-------------------------|-----------------------|
|-------------------------|-----------------------|

|             |         |
|-------------|---------|
| Front yard: | 15 feet |
|-------------|---------|

|                |         |
|----------------|---------|
| Interior yard: | 10 feet |
|----------------|---------|

|                   |         |
|-------------------|---------|
| Street side yard: | 10 feet |
|-------------------|---------|

|            |         |
|------------|---------|
| Rear yard: | 10 feet |
|------------|---------|

|                 |         |
|-----------------|---------|
| Maximum height: | 75 feet |
|-----------------|---------|

|                                |             |
|--------------------------------|-------------|
| Lot coverage – all structures: | 70% maximum |
|--------------------------------|-------------|

(Ord. 5957, Sec. 3, 12/10/07)

## Chapter 15.22

### I-3 / HEAVY INDUSTRIAL DISTRICT

#### Sections:

|           |                              |
|-----------|------------------------------|
| 15.22.010 | Statement of intent          |
| 15.22.020 | Principal uses               |
| 15.22.030 | Conditional uses             |
| 15.22.040 | Accessory uses               |
| 15.22.050 | Site development regulations |
| 15.22.060 | Additional regulations       |
| 15.22.070 | Signs                        |

**15.22.010 Statement of intent.** The I-3 district is intended to provide areas of the city for activities and uses of a heavy industrial character. This district is designed to accommodate industrial uses which have significant external effects. These uses typically have operating characteristics and environmental effects that make them incompatible with surrounding uses. The I-3 district is most appropriately located in areas that are separated from residential and consumer-oriented commercial districts. (Ord.5958, Sec 1, 12/10/07)

**15.22.020 Principal uses.** The following principal uses shall be permitted outright in an I-3 district:

1. Agricultural sales and service
2. Chemical plant
3. Electric utility generation facility
4. Governmental maintenance facility
5. Grain storage and distribution
6. Horticulture and crop production
7. Local utility service
8. Manufacturing, general and heavy
9. Railroad yard and intermodal facilities
10. Sign manufacturing
11. Truck service establishment
12. Truck terminal
13. Warehousing and distribution, limited and general

(Ord. 5958, Sec. 2, 12/10/07)

**15.22.030 Conditional uses.** The following conditional use(s) shall be permitted in an I-3 district in accordance with the requirements set forth in Chapter 15.24.02:

01. Rubble dump
02. Meat packing and processing
03. Wind energy conversion system (WECS), subject to Section 15.24.085

## Council Communication

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                           |                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department and Applicant:<br>Community Development<br>Case No. ZT-09-002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ordinance No. <u>6032</u> | City Council Meeting: 3-23-09<br>Planning Commission Meeting: 3-10-09<br>First Reading <u>3-23-09</u><br>Second Reading <u>4-13-09</u><br>Third Reading |
| <b>Subject/Title</b><br>Amend various chapters of the Municipal Code (Zoning Ordinance) relative to Wind Energy Conversion Systems (WECS), as follows:<br>1. Ordinance 6030, Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.<br>2. Ordinance 6031, Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both the small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Chapter 15.02 as needed.<br>3. Ordinance 6032 Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.                                                                                                                                                                                                                                                                          |                           |                                                                                                                                                         |
| <b>Background/Discussion</b><br>Attached for your consideration are proposed amendments to Title 15 of the Municipal Code relative to Wind Energy Conversion Systems (WECS). Due to increased interest in renewable energy sources and declining costs for smaller systems, several people have inquired about the City's regulations for installing such systems. Siting for such systems is not addressed in the Zoning Ordinance. The definition proposed for §15.03.685 establishes limits for both small and commercial systems based on power generation capacity. A conditional use permit approved through the Board of Adjustment is required to install any system. Wind energy conversion system (WECS) will be added to the 'Conditional uses' listing in the A-2, R-1E, R-1, R-2, R-3, I-1, I-2, and I-3 Districts. A commercial system would only be located in the A-2 and the three industrial districts, but a small system could be approved in those districts as well the cited residential districts. Setbacks, noise and utility notification requirements are listed along with safety and design standards in the new §15.24.085 of the Supplemental Use and Site Development Regulations chapter. Reference to the recently amended Chapter 2 regarding the authority of the Board of Adjustment (formerly in Chapter 27) is made. Proposed amendments are shown in Attachment 'A'. New text is <u>underlined</u> . Text to be removed is <del>struck through</del> . |                           |                                                                                                                                                         |
| <b>Recommendation</b><br>The Community Development Department recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as follows:<br>1. Chapter 15.03 'Definitions' – add new definition at §15.03.685 – 'Wind Energy Conversion System'.<br>2. Add Wind Energy Conversion System (WECS) as a Conditional Use in Chapter 15.05 'A-2/Parks, Estates and Agricultural District, Chapter 15.08A 'R-1E/Single Family Residential Estates District', Chapter 15.08B – R-1/Single Family Residential District, Chapter 15.09 R-2/Two Family Residential District, Chapter 15.10 R-3/Low Density Multi-family Residential District, Chapter 15.20 I-1/Light Industrial District, 15.21 'I-2/General Industrial District' and I-3/Heavy Industrial District'. Small systems are a conditional use in the residential districts. Both small and large systems are conditional uses in the A-2 and the three industrial districts. Change reference to Board of Adjustment authority to Chapter 15.02.<br>3. Chapter 15.24 – 'Supplemental Use and Site Development Regulations', add new §15.24.085 'Wind energy conversion system (WECS) regulations and minimum standards'.                                                                                                                                                                                                                                                                                                             |                           |                                                                                                                                                         |
| <b>Public Hearing</b><br>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                         |
| <b>Planning Commission Recommendation</b><br>The Planning Commission recommends amending Title 15 of the Municipal Code (Zoning Ordinance) as presented in Attachment 'A'.<br>VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 6 Motion: Carried.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                           |                                                                                                                                                         |
| Attachments: Attachment 'A'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                                                                                                                                                         |
| Prepared by: Gayle M. Malmquist, Development Services Coordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |                                                                                                                                                         |

ORDINANCE NO. 6032

AN ORDINANCE to amend Chapter 15.24 “Supplemental Use and Site Development Regulations” of the 2005 Municipal Code of Council Bluffs, Iowa, by adding a new Section 15.24.085 “Wind energy conversion system (WECS) regulations and minimum standards”.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.24 “Supplemental Use and Site Development Regulations” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 15.24.085, entitled “Wind energy conversion system (WECS) regulations and minimum standards”, to read as follows:

**“15.24.085 Wind energy conversion system (WECS) regulations and minimum standards.** A conditional use permit may be granted to allow wind energy conversion systems to operate in the cited zoning districts, subject to the following minimum standards:

01. The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to the total extended height. No portion of the total extended height shall be in front of the front of the principle structure or into the front or street side yard setback for the zoning district in which it is situated. A reduction may be granted to a specific setback distance if the Board finds that such reduction shall not adversely affect surrounding property and does not interfere with public utility lines or public road and rail rights-of-way.

02. The minimum distance between the tower support bases of any two WECS under different ownership shall be five times the diameter of the largest rotor. A reduction may be granted in this requirement if it finds that such a requirement does not adversely affect the operation of either WECS.

03. WECS operation shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference to radio, telephone, microwaves or television reception on adjoining property.

04. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility’s then current service regulations applicable to WECS. Evidence is required that the utility company has been informed and has approved the customer’s intent to install an interconnection customer- owned generator, prior to issuance of any construction permit. Owners shall also inform the electric utility of their intent to install off-grid systems prior to issuance of any construction permit.

05. Data pertaining to the turbine safety and stability shall be filed with the conditional use permit application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization, based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Turbine Verification Program or other certification program recognized by the American Wind Energy Association.

06. Sound produced by the turbine under normal operation conditions as measured at the property line, shall not exceed the definition of nuisance noise and defined in Section 4.50.080 'Sound levels by receiving land use' in Chapter 4.50 'Noise Control' of the Municipal Code. Sound levels may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe weather.

07. No WECS shall be constructed, altered or maintained to project above the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

08. A WECS shall be considered a discontinued use after six consecutive months without energy production. All WECS and accessory facilities shall be completely removed at owner's expense within 180 days of the discontinuation of use. The 180 day limit may be extended if proof of weather delay is provided.

09. Rooftop turbines, not to exceed three (3) feet in total extended height, also known as architecturally integrated or vertical axis wind turbines are exempt from these requirements, if the total extended height does not exceed the maximum height permitted for the structure upon which it is placed.

10. Safety and design standards:

- (a) Rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
- (b) All wind turbines shall be installed with a tubular, monopole type tower.
- (c) All wind turbines and towers shall be white, gray or another non-obtrusive color. Blades may be black, in order to facilitate de-icing. Finishes shall be matte or non-reflective.
- (d) All communications and connector lines associated with the project distribution system shall be buried.
- (e) Installation shall comply with the National Electrical Code. Line drawings with sufficient detail to substantiate compliance shall accompany the application.
- (f) Standard drawings of the wind turbine structure, including the tower, base and footings, along with an engineering analysis showing compliance with applicable regulations and certified by a licensed professional engineer shall accompany the application.
- (g) Installation shall be completed by a qualified professional, certified by the manufacturer to install the system according to the manufacturer's recommendations.
- (h) Outdoor storage is not permitted.
- (i) Signs. All signs, including the manufacturer or installer's identification, appropriate warning signs, or owner's identification on the WECS visible from any public road is prohibited.

(j) Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA.

(k) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.”

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED April 27, 2009

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration: March 23, 2009  
Second Consideration: April 13, 2009  
Public Hearing: April 13, 2009  
Third Consideration: April 27, 2009

Planning Case ZT-09-002



**SUPPLEMENTAL USE AND SITE DEVELOPMENT REGULATIONS**

**Sections:**

|           |                                                                               |
|-----------|-------------------------------------------------------------------------------|
| 15.24.010 | Purpose                                                                       |
| 15.24.020 | Accessory uses                                                                |
| 15.24.030 | Home occupation                                                               |
| 15.24.040 | Fence regulations                                                             |
| 15.24.050 | Lighting controls                                                             |
| 15.24.060 | Yard exceptions and permitted intrusions into required yards                  |
| 15.24.070 | Height exceptions                                                             |
| 15.24.080 | Antenna and tower regulations                                                 |
| 15.24.085 | <u>Wind energy conversion system (WECS) regulations and minimum standards</u> |
| 15.24.090 | Front yard exception in residential districts                                 |
| 15.24.100 | Rear yard exception in residential districts                                  |

**15.24.010 Purpose.** Supplemental use and development regulations set forth additional standards for certain uses within various zoning districts recognizing that certain uses have operating characteristics that require additional regulations to protect the public health, safety and welfare. These supplemental regulations complement the uses permitted in each zoning district, qualify or modify the district site development regulations and provide for specific areas of exception.

**15.24.020 Accessory uses.** Unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use.

The following types of accessory uses shall be permitted in residential districts, subject to the site development regulations for the zoning district in which it is located, unless otherwise provided in these regulations:

01. Fencing, subject to Section 15.24.040;
02. Garage sales, limited to six days during any calendar year;
03. Garage, and off-street parking for personal vehicles, subject to Chapter 15.23;
04. Greenhouse, for personal, non-commercial use only;
05. Home occupation, subject to Section 15.24.030;
06. Radio and communications receiving antenna and tower, subject to Section 15.24.080;
07. Swimming pool, including a bath house, tennis court or other recreational facilities commonly accessory to a dwelling and used only by the residents and non-paying guests;
08. Tool, storage shed, gazebo, patio, and similar buildings and structures for personal noncommercial use only;

09. Structures for the shelter of household pets, for personal non-commercial use.

**15.24.030 Home occupation.** A home occupation shall be subject to the following requirements:

01. A home occupation shall be conducted entirely within the dwelling or principal building and may not employ any individuals other than residents of the dwelling;
02. Such use shall be incidental and secondary to the residential use of the dwelling and shall not change the residential character;
03. No signs, radio, television, newspaper, handbill or other similar types of advertising are permitted linking the address of the premises with the home occupation;
04. A home occupation shall be limited to performance of services only and no commodity, directly or incidental shall be sold on the premises;
05. There shall be no exterior storage of equipment or materials used in a home occupation;
06. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

**15.24.040 Fence regulations.** Fences, including masonry walls, vegetation, ornamental iron, chain link, open wood, solid wood or metal, forming a physical barrier, placed on private property, used for any purpose shall conform to the following requirements:

01. General Requirements For All Zoning Districts.
  - (a) No fence placed on any lot shall project over the property line. No fence or obstruction shall be placed in the public right-of-way.
  - (b) The height of a fence shall be measured from the grade on which the fence is placed.
  - (c) The finished side of any fence shall be directed toward the street right-of-way and adjoining properties.
  - (d) No fence or any other obstruction shall be placed within an equilateral triangle having sides of thirty-five (35) feet each running along the edge of the pavement, or curb if present, of each abutting street. The apex of this triangle shall be at the point of the intersection of the edges of the pavement or curbs of such streets when extended out to a point.
  - (e) No fence shall be placed within three feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.
02. General Requirements for Open Space/Recreation and Industrial Districts.
  - (a) A fence placed in any yard shall not exceed eight feet in height.
  - (b) In I-2 and I-3 Districts when the parcel is 50 contiguous acres or more, a fence not to exceed 10 feet in height is permitted in the interior, street side and rear yards. In the front yard, the height of the fence shall not exceed 8 feet unless its placement meets the setback requirements for structures. Fencing material for a 10 foot tall fence shall be limited to vinyl coated chain link material with no sharp or pointed projections or barbed wire strands permitted.

- (c) Barbed wire fences zero to six feet in height are permitted in A-1 and A-2 districts for agricultural uses only.
- (d) Security fences with sharp or pointed projections or containing barbed wire strands are allowed in the A-2, I-1, I-2, and I-3 districts if placed atop a conforming fence of at least six feet in height, with total fence height not to exceed eight feet.
- (e) Electrically-charged fences located within the boundaries of a conforming fence are permitted in A-1, A-2, I-1, I-2 and I-3 districts for agricultural uses only.

03. General Requirements for Residential and Commercial Districts.

- (a) In a front yard or a street side yard, the height of a fence shall not exceed 4 feet, unless its placement meets the setback requirements for principal and accessory structures. Exception: ornamental iron fences located in front or street side yards may exceed four foot in height, but are limited to six feet in overall height.
- (b) No solid fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.
- (c) In an interior side yard or rear yard, the height of a fence, excepting vegetation fences, shall not exceed six feet. Fences in residential areas proposed to exceed six feet in height shall be reviewed on a case by case basis by the mayor or designee.
- (d) Security fences with sharp or pointed projections or containing barbed wire strands may be permitted in a C-2 District when placed on top of an otherwise conforming fence, if the following conditions are met:
  - (i) The site shall not abut any residential district; and
  - (ii) The use shall comply with all requirements for conforming uses and the site development regulations in a C-2 District.

04. Required Fences.

- (a) A fence shall be required where any conforming commercial or industrial use abuts a residential district. The fence shall be provided at the abutting side and rear property lines. A fence shall also be required for any open storage area in an industrial district which blocks all view of the storage area at or beyond the property line. The fence shall be provided by one of the following methods:
  - (i) A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
  - (ii) A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
  - (iii) A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
  - (iv) Any combination of the described methods that achieves a cumulative height of six feet.

05. Maintenance. Upon placement of a fence, appropriate measures shall be taken by the fence owner to ensure continued maintenance.  
(Ord. No. 5963, Sec. 1, 1/28/08)

**15.24.050 Lighting controls.** Any light used for the illumination of signs, parking areas, swimming pools or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians.

**15.24.060 Yard exceptions and permitted intrusions into required yards.** The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

01. The following building features may project into the required front yard no more than six feet and into the required side yards no more than three feet, provided that such projections are no closer than three feet to any side yard line:
  - (a) Chimneys and fireplaces;
  - (b) Porches, as defined in Chapter 15.03, platforms and landings which do not extend above the level of the first floor of the building.
02. The following building features may project into the required front yard no more than three feet and into the required side yard no more than three feet, provided that such projections are no closer than three feet to any side yard line:
  - (a) Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.
03. Ramps constructed to make a structure accessible to persons with disabilities may project into the required yard(s) to the extent necessary for access, if, upon review by the mayor or designee, it is determined that the ramp has been designed to minimize the intrusion into the required yard(s) and creates no hazard to the public.

**15.24.070 Height exceptions.** The following types of structures are not subject to the height limitations of this title: chimneys, church spires, cupolas, elevator shafts; fire and hose towers, observation towers and water towers.  
(Ord. No. 5963, Sec. 2, 1/28/08)

**15.24.080 Antenna and tower regulations.** Radio towers, operated by amateur radio operators and other communications devices intended for personal, non-commercial use, may exceed the height limitation of the zoning district in which it is located by not more than 25 percent. The device shall not be located in any required yard of the principal use.

**15.24.085 - Wind energy conversion system (WECS) regulations and minimum standards.** A conditional use permit may be granted to allow wind energy conversion systems to operate in the cited zoning districts, subject to the following minimum standards:

01. The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to the total extended height. No portion of the total extended height shall be in front of the front of the principle structure or into the front or street side yard setback for the zoning district in which it is situated. A reduction may be granted to a specific setback distance if the Board finds that such reduction shall not adversely affect surrounding property and does not interfere with public utility lines or public road and rail rights-of-way.
02. The minimum distance between the tower support bases of any two WECS under different ownership shall be five times the diameter of the largest rotor. A reduction may be granted in this requirement if it finds that such a requirement does not adversely affect the operation of either WECS.
03. WECS operation shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference to radio, telephone, microwaves or television reception on adjoining property.
04. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. Evidence is required that the utility company has been informed and has approved the customer's intent to install an interconnected customer-owned generator, prior to issuance of any construction permit. Owners shall also inform the electric utility of their intent to install off-grid systems prior to issuance of any construction permit.
05. Data pertaining to the turbine safety and stability shall be filed with the conditional use permit application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization, based upon standards set by the U. S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Turbine Verification Program or other certification program recognized by the American Wind Energy Association.
06. Sound produced by the turbine under normal operating conditions as measured at the property line, shall not exceed the definition of nuisance noise as defined in Section 4.50.080 'Sound levels by receiving land use' in Chapter 4.50 'Noise Control' of the Municipal Code. Sound levels may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe weather.
07. No WECS shall be constructed, altered or maintained to project above the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

08. A WECS shall be considered a discontinued use after six consecutive months without energy production. All WECS and accessory facilities shall be completely removed at owner's expense within 180 days of the discontinuation of use. The 180 day limit may be extended if proof of weather delay is provided.
09. Rooftop turbines, not to exceed 3 feet in total extended height, also known as architecturally integrated or vertical axis wind turbines are exempt from these requirements, if the total extended height does not exceed the maximum height permitted for the structure upon which it is placed.
10. 10. Safety and Design standards:
- (a) Rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
  - (b) All wind turbines shall be installed with a tubular, monopole type tower.
  - (c) All wind turbines and towers shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
  - (d) All communications and connector lines associated with the project distribution system shall be buried.
  - (e) Installation shall comply with the National Electrical Code. Line drawings with sufficient detail to substantiate compliance shall accompany the application.
  - (f) Standard drawings of the wind turbine structure, including the tower, base and footings along with an engineering analysis showing compliance with applicable regulations and certified by a licensed professional engineer shall accompany the application.
  - (g) Installation shall be completed by a qualified professional, certified by the manufacturer to install the system according to the manufacturer's recommendations.
  - (h) Outdoor storage is not permitted.
  - (i) Signs. All signs, including the manufacturer or installer's identification, appropriate warning signs or owner's identification on the WECS visible from any public road shall be prohibited.
  - (j) Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA.
  - (k) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.

**15.24.090 Front yard exception in residential districts.** The required front yard shall be as stated in each zoning district, except when forty-five percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings and a majority of the improved frontage have front yard setbacks less than those required for that zoning district, then the minimum required front yard setback for new construction shall be the average distance of the improved frontage.

**15.24.100 Rear yard exception in residential districts.** The required rear yard in an irregular lot may be measured as the average horizontal distance between the building and the rear lot line, provided that the closest point of the building to the rear property line shall not be less than sixty (60) percent of the rear yard required by the zoning district.

(Ord. No. 5323, Sec. 4, May 19, 1997)

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading May 11, 2009  
Case/Project No.: FY09-05D Resolution No. 09-131  
Applicant: Ron Neal, P. E., City Engineer

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting June 9, 2009, at 10:00 a.m. as the date and time for the bid opening for 29<sup>th</sup> Avenue Storm Water Pump Station Rehab. Project # FY09-05D.

### BACKGROUND/DISCUSSION

- 29<sup>th</sup> Avenue Pump Station was a combined sewer pump station when originally constructed in 1948.
- After the city's sewer separation efforts, the pump station was used for sanitary sewer only.
- The sanitary sewer pumping was eliminated in 2007 when a replacement pump station was built.
- The old station is still in place. The proposed improvements are to upgrade and update the station to be operational as a storm water pump station. This work will reduce street flooding recently experienced in the new Zaiger subdivision at 28<sup>th</sup> Avenue and 16<sup>th</sup> Street.
- Project FY09-05D is in the 2009 CIP and is funded with \$586,000 in sales tax funds.
- The project schedule is:

|                                |                |
|--------------------------------|----------------|
| Set Public Hearing             | April 27, 2009 |
| Hold Public Hearing            | May 11, 2009   |
| Construction Letting           | June 9, 2009   |
| Construction Award             | June 22, 2009  |
| Construction in Summer of 2009 |                |

### RECOMMENDATION

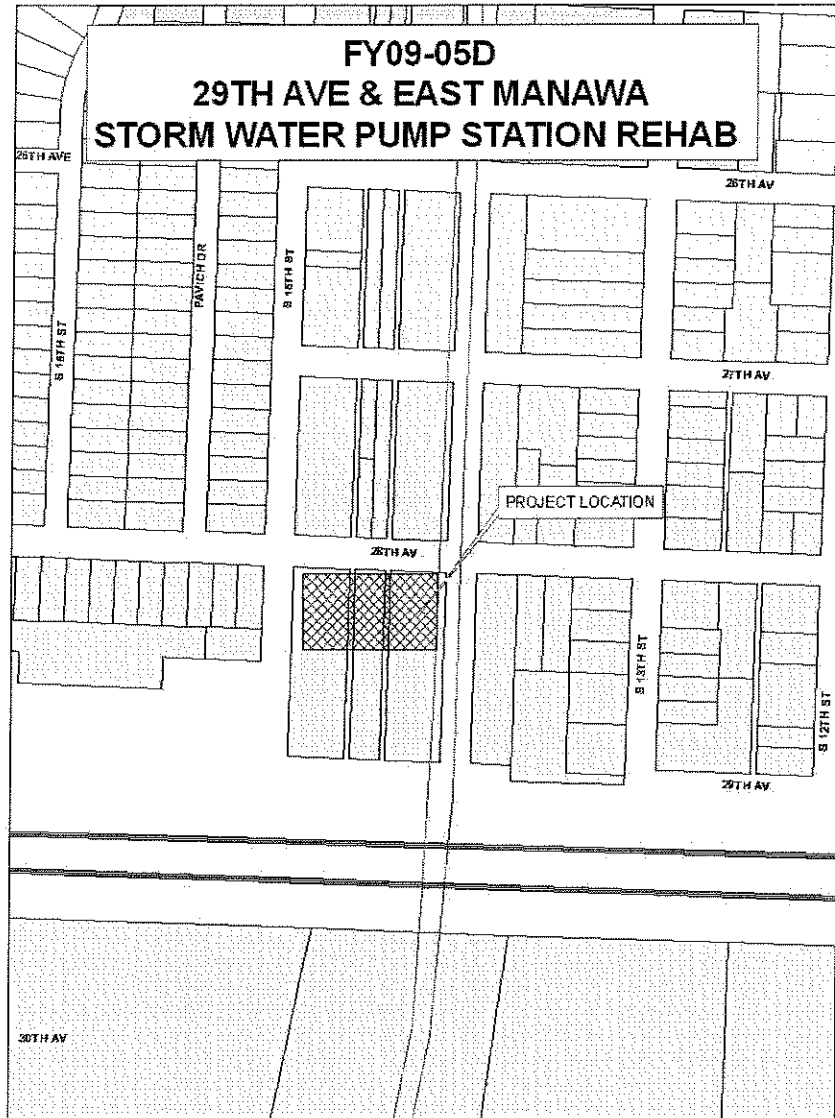
Approval of this resolution.

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Greg Reeder, Public Works Director



**FY09-05D**  
**29TH AVE & EAST MANAWA**  
**STORM WATER PUMP STATION REHAB**



**RESOLUTION**  
**NO 09-131**

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
29<sup>TH</sup> AVENUE STORM WATER PUMP STATION REHAB.  
FY09-05D**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the 29<sup>th</sup> Avenue Storm Water Pump Station Rehab.; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on April 27, 2009

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the 29<sup>th</sup> Avenue Storm Water Pump Station Rehab. and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED  
AND  
APPROVED \_\_\_\_\_, 2009

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Marcia L. Worden, Acting City Clerk

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading May 11, 2009  
Case/Project No.: FY10-08 Resolution No. 09-132  
Applicant: Ron Neal, P. E., City Engineer

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting June 11, 2009, at 10:00 a.m. as the date and time for the bid opening for So. 16<sup>th</sup> Street Sanitary Sewer Pipe Rehab. Project # FY10-08

### BACKGROUND/DISCUSSION

- Railroad Addition bounded by 23<sup>rd</sup> Avenue to 28<sup>th</sup> Avenue between So. 15<sup>th</sup> Street to So. 19<sup>th</sup> Street received sanitary service extensions in 1979.
- The sewer pipes were originally construction of iron pipe.
- Recent condition assessments reveal the extensions to have structural deficiencies and ground water infiltration issues. The iron pipe is severely corroded from a reaction with sewage.
- This project is to line the extensions as necessary. Pipe lining is the preferred method of rehab because of the depth of the pipes, the presence of a high water table and sandy soil conditions. There will be a few isolated spot repairs completed as part of this project.
- This lining project will extend the life of the sanitary sewer and be able to support further infill re-development.
- The project budget is \$800,000 and is to be funded through FY10 GO bonds.
- This project schedule is: Set Public Hearing, April 27, 2009; Hold Public Hearing, May 11, 2009; Project Letting, June 11, 2009; Construction Award, June 22, 2009; Construction completion, 2009

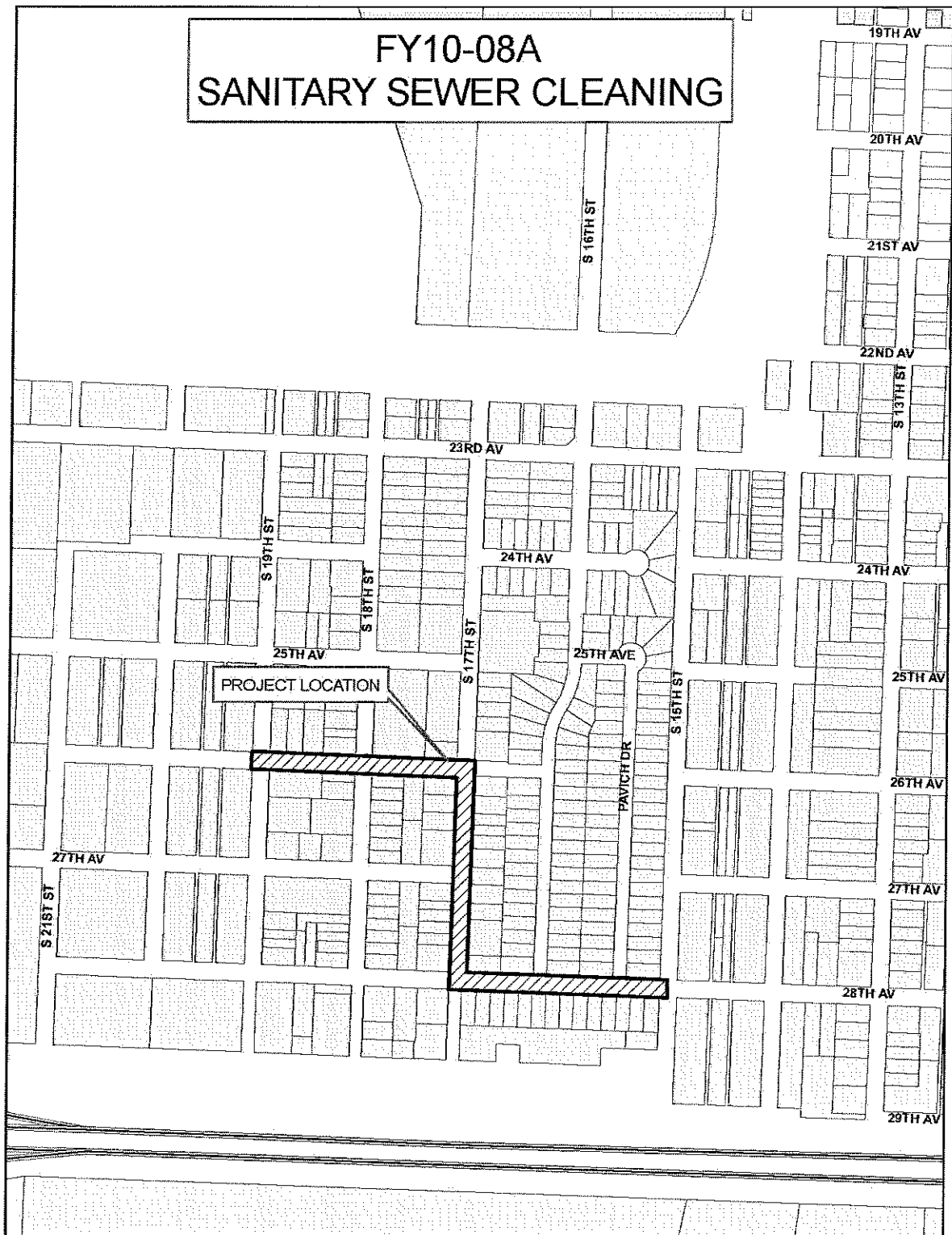
### RECOMMENDATION

Approval of this resolution.

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Greg Reeder, Public Works Director

FY10-08A  
SANITARY SEWER CLEANING



**RESOLUTION**  
**NO 09-132**

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
SO. 16<sup>TH</sup> STREET SANITARY SEWER PIPE REHAB.  
FY10-08**

WHEREAS,           the plans, specification, form of contract and cost estimate  
                          are on file in the office of the City Clerk of the City of  
                          Council Bluffs, Iowa, for the So. 16<sup>th</sup> Street Sanitary Sewer  
                          Pipe Rehab.: and

WHEREAS,           A Notice of Public Hearing was published as required  
                          by law, and a public hearing was held on May 11, 2009.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the So.  
16<sup>th</sup> Street Sanitary Sewer Pipe Rehab. and the City Clerk is hereby authorized to advertise for  
bids for said project.

ADOPTED  
AND  
APPROVED \_\_\_\_\_, 2009

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:           \_\_\_\_\_  
Marcia L. Worden, Acting City Clerk

## Council Communication

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| <b>Department:</b><br>Community Development<br><br><b>Case #</b> SAV-09-002<br><br><b>Applicant:</b> Craig Foreman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Resolution of Intent No.</b> _____<br><br><b>Resolution to Dispose No.</b> <u>09-147</u> | <b>City Council:</b> 04/27/09<br><br><b>Planning Commission:</b> 04/14/09<br><br><b>Set Public Hearing:</b><br><br><b>Public Hearing:</b> |
| <b>Subject/Title</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                             |                                                                                                                                           |
| Request of Craig Foreman, represented by Julie Foreman, both at 2606 South 11 <sup>th</sup> Street, to vacate the east north/south alley in Block 57, Railroad Addition. This alley lies between 26 <sup>th</sup> and 27 <sup>th</sup> Avenues, west of South 11 <sup>th</sup> Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                             |                                                                                                                                           |
| <b>Background</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                             |                                                                                                                                           |
| <p>Craig Foreman owns the property at 2606 South 11<sup>th</sup> Street and is requesting vacation of the above mentioned alley which abuts his property on the west. The alley is unopened and unimproved. It measures 12 feet wide by 330 feet long for a total of 3,960 square feet.</p> <p>MidAmerican Energy has overhead electric distribution facilities within this alley and will need to maintain truck access. The Public Works Department has a sanitary sewer line in the alley. If vacated, a utility easement will need to be retained.</p> <p>There are seven property owners along this alley including the applicant. Lonnie D. and Virginia Fairchild, 2628 South 11<sup>th</sup> Street and Janice L. Tomes, 1116 27<sup>th</sup> Avenue, are opposed and unwilling to accept their portions of right-of-way. Frederick and Julie Driscoll, 2610 South 11<sup>th</sup> Street, seemed opposed during a phone conversation but their signed petition indicated they were undecided. Mark and Shawn Buss, 1115 26<sup>th</sup> Avenue and Southside Auto, owner of 2602 South 11<sup>th</sup> Street, are in favor of the requested vacation and willing to acquire their portion. No response has been received from Matthew Tracy, 2616 South 11<sup>th</sup> Street.</p> |                                                                                             |                                                                                                                                           |
| <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                                                                                                                                           |
| <ol style="list-style-type: none"><li>1. MidAmerican Energy and the Public Works Department have facilities within the right-of-way and need to maintain access. If the alley is vacated, it is likely that the existing privacy fences on both sides of the alley will be moved back which could effectively prevent truck access to service the existing utilities.</li><li>2. At least two and possibly three of the abutting owners are opposed to the requested vacation and unwilling to accept their portion of right-of-way.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                             |                                                                                                                                           |
| <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                             |                                                                                                                                           |
| The Community Development Department recommends denial of the request to vacate the east north/south alley in Block 57, Railroad Addition for the reasons stated above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                             |                                                                                                                                           |
| <b>Public Hearing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                             |                                                                                                                                           |
| Craig Foreman, 2606 South 11 <sup>th</sup> Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                             |                                                                                                                                           |
| <b>Planning Commission Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                             |                                                                                                                                           |
| The Planning Commission recommends denial of the request to vacate the east north/south alley in Block 57, Railroad Addition for the reasons cited in the staff report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                             |                                                                                                                                           |
| VOTE: AYE 7    NAY 0    ABSTAIN 0    ABSENT 3    VACANT 1    Motion: Carried.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                             |                                                                                                                                           |
| <b>Attachments:</b> Map showing requested right-of-way vacation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                                                                                                                                           |
| <b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                             |                                                                                                                                           |



CASE #SAV-09-002

